

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

In re:

Civil Action No. 1:04-cv-00148-GMS

INACOM CORPORATION, *et al.*,

Debtors.

INACOM CORPORATION, etc.,

Plaintiff,

Bankr. Case No. 00-02426 (PJW)

Adv. Pro. No. 02-03496 (PJW)

v.

TECH DATA CORPORATION,

Defendant and
Third Party Plaintiff,

v.

HEWLETT-PACKARD COMPANY,
COMPAQ COMPUTER CORP.,
ITY CORP., and CUSTOM EDGE, INC.,

Third-Party Defendants.

**DEFENDANT'S PROPOSED SPECIAL
INTERROGATORIES/SPECIAL VERDICT FORM**

Pursuant to FED. R. CIV. PROC. 49, D. Del. LR 51.1, and the Court's Scheduling Order,
Defendant Tech Data Corporation files the attached Proposed Special Interrogatories/Special
Verdict Form.

Dated: August 15, 2005

Respectfully submitted,

HERLIHY, HARKER & KAVANAUGH

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ITY CORP., and CUSTOM EDGE, INC.,

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VERDICT FORM

We, the jury in this action, unanimously find the following:

PREFERENCE CAUSE OF ACTION¹

QUESTION NO. 1

¹ The parties have agreed to stipulate that the following elements of Plaintiff's preference claim have been met: (1) that the transfers were to or for the benefit of Dell; (2) that the transfers were on account of an antecedent debt owed by Inacom before such transfers were made; and (3) that the transfers were within the ninety (90) days before the date of the filing of the petition. Should these stipulations not be entered, Dell reserves the right to supplement and/or amend this proposed verdict form to properly include such elements.

Do you find, from a preponderance of the evidence, that Inacom was insolvent at any of the times after March 16, 2000, that Inacom paid Tech Data for the products Tech Data had previously sold and delivered to Inacom?

Answer "Yes" or "No": _____

If you answered Question No. 1 "Yes" then answer the following questions; if you answered the question "No", skip all remaining questions and date and sign this Verdict Form.

QUESTION NO. 2

On what date prior to the bankruptcy filing by Inacom on June 16, 2000, did Inacom first become insolvent if at all?

Answer: _____

QUESTION NO. 3

Do you find, from a preponderance of the evidence, that Tech Data received more by the payments than it would have received if the payments had not been made and if this had been a Chapter 7 bankruptcy case?

Answer "Yes" or "No": _____

If you answered Question No. 3 "Yes" then answer the following questions; if you answered the question "No", skip all remaining questions and date and sign this Verdict Form.

QUESTION NO. 4

Do you find, from a preponderance of the evidence, that Tech Data was a creditor of Inacom at the time that Inacom made payments to Tech Data?

Answer "Yes" or "No": _____

If you answered Question No. 4 "Yes" then answer the following questions; if you answered the question "No", skip all remaining questions and date and sign this Verdict Form.

QUESTION NO. 5

Do you find, from a preponderance of the evidence, that the monies paid by Inacom to Tech Data were on account of an antecedent debt that was owed to Tech Data?

Answer "Yes" or "No": _____

Dated: _____.

Foreperson